

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MEKHI MILLER,
MICHAEL J. HILL,
AJAY BUTCHER,
THEODORE HILL,

25-CV-6305 EAW

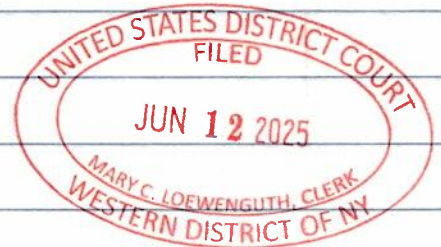
VERIFIED COMPLAINT
CLASS ACTION

PLAINTIFFS,

- AGAINST -

MICHAEL J. FILICCHI,
RON TRIPP
SEUSS,

S. LATONA,
J. LUNDQUIST,
GAJKOWSKI,
NAPIERAIA,
KOLBE,
AUSTIN,
PAONESSA,



DEFENDANTS.

MEKHI MILLER, MICHAEL J. HILL,
AJAY BUTCHER and THEODORE HILL,
JASON DAVIS, DOES ALL BEING duly SWORN,
DOES HEREBY AFFIRM and SAYS UNDER
THE PENALTIES OF PERJURY PURSUANT
TO FED. R. CIV. P. § 43 [d] and
PURSUANT TO 28 U.S.C. § 1746 that
THE BELOW STATED IS TRUE & ACCURATE

SO HELP US ELOHIM:

I. JURISDICTION & VENUE:

1. THIS IS A CLASS ACTION RIGHTS ACTION FEDERAL RULE 23, BEING BROUGHT PURSUANT TO 42 U.S.C. § 1983, SEEKING TO REDRESS CONSTITUTIONAL RIGHTS VIOLATION.
2. THIS COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO 28 U.S.C. §§ 1331 & 1343 (2)(1) and (4), and 28 U.S.C. §§ 2201 & 2202. AND FEDERAL RULE & CIVIL PROCEDURE RULE 23.
3. THE VENUE OF THIS ACTION IS 28 U.S.C. § 1391 (b), BECAUSE THE EVENTS GIVING RISE TO THIS ACTION OCCURRED IN THE NIAGARA COUNTY JAIL, WHICH IS IN NIAGARA COUNTY.

II. PARTIES TO THIS ACTION:

4. NAME OF PLAINTIFF: MICHAEL HILL
CURRENT ADDRESS: 311 38th STREET
NIAGARA FALLS, NY 14303
5. NAME OF PLAINTIFF: THEODORE HILL
CURRENT ADDRESS: 5526 NIAGARA ST. EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095
6. NAME OF PLAINTIFF: AJAY BUTCHER

P.O. BOX 66, LOCKPORT, NY 14096

6-(A): NAME OF PLAINTIFF: JASON DAVIS
CURRENT ADDRESS:
NIAGARA FALLS, NY 1430

7. NAME OF PLAINTIFF: MEKHI MILLER
CURRENT ADDRESS: 4906 UNIVERSITY
COURT, NIAGARA FALLS, NY 14305

III. STATEMENT OF FACTS

8. THE PLAINTIFFS WERE ALL FORCED AGAINST THEIR FREE WILL TO HOUSE ON E-BLOCK HOUSING UNIT IN NIAGARA COUNTY JAIL ON OR ABOUT APRIL 2025.

9. ALL THE PLAINTIFFS HAVE BEGUN TO SUFFER FROM HEADACHES, HYPERTENSION AND SKIN RASHES, TO WHICH THEY ALL HAVE COMPLAINED ABOUT AND REPORTED THE CAUSE BEING BLACK ON THE WALLS, AND CEILING'S TO THE DEFENDANTS PAONESSA, KOLBE, LUNDIST AND FILICETTI.

10. DEFENDANTS FILICETTI, NIAGARA COUNTY, TRIPP, SEUSS, KOLBE, AUSTIN, LUNDQUIST, LATONA, AND PAONESSA DID THROW AWAY GRIEVANCES AND FORCED THE PLAINTIFFS TO LIVE IN THE INHUMANE CONDITIONS, KNOWN TO THEM

HAZARDOUS ENVIRONMENTS WITH BLACK MOLD ON CEILINGS AND WALL WHICH THEY WERE FORCED TO BREATHE DAILY.

11. DEFENDANTS FILICETTI, TRIPP, SEUSS, LATONA, LUNDQUIST, GAJKOWSKI, NAPIERALA, KOIBE, AUSTIN AND OTHERS EMPLOYED AT NIAGARA COUNTY JAIL UTILIZED THE JAIL DISCIPLINARY SYSTEM TO USURP FUNDS FROM THE PLAINTIFFS' INMATE ACCOUNT \$25.00 AT A TIME WITHOUT PROCEDURES OUTLINED IN THEIR RULES BEING FOLLOWED TO PROVIDE THE REQUIRED DUE PROCESS.

12. DEFENDANTS FILICETTI, TRIPP, SEUSS, LATONA, LUNDQUIST, GAJKOWSKI, KOIBE, AUSTIN AND NIAGARA COUNTY did KNOWINGLY AND UNLAWFULLY DETAIN THE PLAINTIFFS IN THEIR JAIL, AFTER BREAKING DOWN DOORS TO THEIR HOME USING FORCE TO BRING THEM AND HOLD THEM THERE, WITHOUT SECURING ORDERS, MANDATES, OR COMMITMENT PAPERS.

13. DEFENDANTS KOIBE, TRIPP, SEUSS, LATONA, LUNDQUIST, AUSTIN, GAJKOWSKI AND OTHER CORRECTIONAL GUARDS AT NIAGARA COUNTY JAIL did DELIBERATELY

DISPOSED OF THE PLAINTIFFS INMATE GRIEVANCES TO PREVENT THEM FROM EXHAUSTING REMEDIES AND FILING LAWSUITS. DEFENDANTS SPECIFICALLY TOLD GUARD COLEMAN TO THROW AWAY GRIEVANCES FILED BY THE PLAINTIFFS AS THEY THEMSELVES HAVE DONE.

14. PLAINTIFFS MILLER, MICHAEL HILL, BUTCHER AND THEODORE HILL WERE FORCED TO SLEEP ON MATTRESSES THAT WERE SO FLAT IT WAS THE SAME AS SLEEPING ON METAL BED FRAME. DEFENDANTS FILICETTI, TRIPP, SEUSS, KOIBE, AUSTIN AND LINDQUIST DELIBERATELY IGNORED PLAINTIFFS CONDITIONS, AND THREW THEIR GRIEVANCES AWAY ON THE SUBJECT.

15. DEFENDANTS FILICETTI, TRIPP, SEUSS, LATONA, LUNDQUIST, KOIBE AND AUSTIN DELIBERATELY HOUSED THE PLAINTIFFS IN A CONDEMNED AREA OF THE JAIL THAT CONTAINED BLACK MOLD ON WALL AND CEILING, LEAD PAINT, LEAD PIPES AND LEAKING WATER.

16. FIRST CAUSE OF ACTION: CONDITION OF CONFINEMENT WHERE BLACK MOLD ON WALLS, CEILINGS, LEAD PAINT, LEAD WATER PIPES IN VIOLATION OF 8th & 14th AMEND.

17. PLAINTIFF MICHAEL HILL FILED GRIEVANCES ON MARCH 3, 2025 and again on APRIL, 2025, WITH DEFENDANTS FILICETTI, TRIPP, KOIBE, SEUSS and AUSTIN SENDING VARIOUS GUARDS, SERGEANTS and LIEUTENANTS TO INSPECT THESE CONDITIONS, and throw away PLAINTIFFS' GRIEVANCES TO COVER IT UP.

18. PLAINTIFFS MILLER, MICHAEL HILL, BUTCHER ALL STOPPED EACH GUARD and RANKING STAFF and SHOWED THE BLACK mold on WALLS and CEILING, as well as the LEAD PARTICLES in the WATER FROM LEAD PIPES. DEFENDANTS KOIBE, SEUSS, TRIPP, AUSTIN and OTHER EMPLOYEES at the JAIL THREW AWAY the PLAINTIFFS GRIEVANCES, and STATED they should NOT HAVE DONE anything to COME to JAIL, THIS IS a PART OF THEIR PENALTY.

19. ACTION(S) TAKEN by the DEFENDANTS CAUSED LIFE THREATENING SICKNESS, and PLACED ALL PLAINTIFFS at RISK IRRATIONALLY.

20. SECOND CAUSE OF ACTION: DENIAL OF ACCESS TO THE COURT DESTRUCTION OF GRIEVANCE and PREVENTING A FULL and FAIR SYSTEM TO REDRESS UNCONSTITUTIONAL ISSUES

1st & 14th AMENDMENTS OF U.S. CONST.

21. DEFENDANTS FILICETTI, TRIPP, SEUSS, KOLBE, LATONA, GADKOWSKI, LUNDQUIST, AUSTIN, and OTHER EMPLOYEES of NIAGARA COUNTY JAIL DELIBERATELY WITH A RECKLESS MIND STATE DESTROYED GRIEVANCES FILED by the PLAINTIFFS MILLER, BUTCHER, MICHAEL HILL AND THEODORE HILL -- SOLELY TO FORCE THEM TO REMAIN UNDER INHUMANE CONDITIONS, WITHOUT a RECORD BEING MADE OF THEIR DAILY GRIEVANCES OF SUFFERING SICKNESS and COMPLICATIONS.

22. THIRD CAUSE OF ACTION: DENIAL OF DUE PROCESS AT DISCIPLINARY HEARINGS WHILE TAKING \$25.00 IN VIOLATION OF 5th & 14th AMENDMENTS U.S. CONST.

23. DEFENDANTS GADKOWSKI, NAPIERAJA, LATONA, LUNDQUIST, FILICETTI, TRIPP, SEUSS, and KOLBE WROTE MISBEHAVIOR REPORTS and ISSUED SANCTION(S) AGAINST the PLAINTIFFS MILLER, MICHAEL HILL, BUTCHER and THEODORE HILL PRIOR to any hearing being held. INCLUDING the TAKEN OF FUNDS FROM the PLAINTIFFS INMATE ACCOUNT WITHOUT them being found

QUALITY OF ANY OFFENSE.

24. DEFENDANTS GADKOWSKI, NAPIERAIA, KOIBE, AUSTIN, LUNDQUIST, SEUSS, TRIPP and FILICETTI during all hearings, REFUSE INMATE ASSISTANT TO ISOLATED OR RESTRICTED CONFINED INMATES; they ALSO REFUSE TO CALL WITNESSES and ALLOW DOCUMENTS and VIDEO CAMERA RECORDINGS to be OBTAINED and REVIEWED DURING the HEARING PROCEEDINGS - AS TO ALLOW the INMATE to gather EVIDENCE, WITNESSES and PRESENT A DEFENSE TO ANY CHARGE. DEFENDANTS SEND A SERGEANT WHO ONLY ASK how an INMATE PLEADS - then MAKE his DECISION.

23. FOURTH CAUSE OF ACTION: UNLAWFUL CONFINEMENT by ILLEGALLY DETAINING INMATES TO THEIR FACILITY WITHOUT ADEQUATE COMMITMENT PAPERS, IN VIOLATION OF 5th, 8th, & 14th AMENDMENTS.

24. ON MARCH 31, 2025, DEFENDANT FILICETTI AUTHORIZED HIS DEPUTIES TO INVADE the PLAINTIFF MICHAEL HILL'S HOME, ASSAULT him and BRING him to NIAGARA COUNTY JAIL by FORCE, WHERE they ASSAULTED him

AGAIN AT THE JAIL, AND ISOLATED him FOR demanding to know WHY he WAS BEING ARRESTED.

25. DEFENDANTS FILICETTI, LUNDQUIST, TRIPP, SEUSS, KOIBE and AUSTIN KNEW they had NO SECURING ORDER to HOLD MICHAEL HILL, but did so by FORCE ANYWAYS.

26. FIFTH CAUSE OF ACTION: EXCESSIVE STRIP SEARCHES OF COUNTY DETAINEES in VIOLATION OF 8th & 14th Amendment

27. DEFENDANTS KOIBE, TRIPP, SEUSS, LATONA, LUNDQUIST, AUSTIN AND FILICETTI did EXERCISE INDIFFERENCE by STRIP SEARCHING PLAINTIFFS MILLER, MICHAEL HILL, BUTCHER, and THEODORE HILL.

28. DEFENDANTS ACTION(S) OF FORCING the PLAINTIFFS to EXPOSE their RECTAL AREA AND PENIS WAS IRRATIONAL AND NOT IN the FURTHERANCE of the GOALS of SAFETY and SECURITY of the FACILITY. the PLAINTIFFS HAVE ALL SUFFERED MENTAL, EMOTIONAL DURESS FROM the ABUSE AND HAVE NOT BEEN TREATED FOR IT.

RELIEF REQUESTED

WHEREFORE, THE PLAINTIFFS MEKHI MILLER, MICHAEL J. HILL, AJAY BUTCHER AND THEODORE HILL REPRESENTING THE CLASS, PRAYS THEY ARE GRANTED THE FOLLOWING:

29. PUNITIVE DAMAGES IN THE AMOUNT OF \$10,000.00 JOINTLY AND SEPARATELY FROM EACH DEFENDANT.

30. COMPENSATORY DAMAGES IN THE AMOUNT OF \$15,000.00 JOINTLY AND SEPARATELY FROM EACH DEFENDANT.

31. DECLARATORY JUDGMENT PRONOUNCING THE DEFENDANTS VIOLATED PLAINTIFFS CONSTITUTIONAL RIGHTS.

32. INJUNCTION RELIEF PROHIBITING DEFENDANTS TO HOUSE INMATES UNDER THEIR CUSTODY.

DATED: MAY 16, 2025

Mekhi Miller
Michael J. Hill
Ajay Butcher
Theodore Hill
Ben Butch

DEFENDANTS TO THIS ACTION:

A.) NAME OF DEFENDANT: MICHAEL J. FILICETTI
SUED IN: INDIVIDUAL & OFFICIAL CAPACITY
ADDRESS: 5526 NIAGARA ST., EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

B.) NAME OF DEFENDANT: NIAGARA COUNTY
SUED IN: OFFICIAL & INDIVIDUAL CAPACITY
ADDRESS: 5526 NIAGARA ST., EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

C.) NAME OF DEFENDANT: SELISS
OFFICIAL POSITION: CAPTAIN
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: 5526 NIAGARA ST., EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

D.) NAME OF DEFENDANT: S. LATONA
OFFICIAL POSITION: CORRECTION GUARD
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: P.O. BOX 496, LOCKPORT, NY 14095

E.) NAME OF DEFENDANT: J. LUNDQUIST
OFFICIAL POSITION: CORRECTION SERGEANT
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: P.O. BOX 496, LOCKPORT, NY
14095

F.) NAME OF DEFENDANT: CIAJKOWSKI
OFFICIAL POSITION: CORRECTION OFFICER
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: P.O. BOX 496, LOCKPORT, NY
14095

G.) NAME OF DEFENDANT: NAPIERAIA
OFFICIAL POSITION: CORRECTION OFFICER
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: P.O. BOX 496, LOCKPORT, NY 14095

H.) NAME OF DEFENDANT: KOIBE
OFFICIAL POSITION: DEPUTY CHIEF JAIL ADMINISTRATOR
SUED IN: INDIVIDUAL & OFFICIAL CAPACITY
ADDRESS: 5526 NIAGARA St, EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

I.) NAME OF DEFENDANT: AUSTIN
OFFICIAL POSITION: SERGEANT/LIEUTENANT
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: 5526 NIAGARA St, EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

K.) NAME OF DEFENDANT: PAONESSA
OFFICIAL POSITION: SERGEANT
SUED IN: INDIVIDUAL CAPACITY
ADDRESS: 5526 NIAGARA St, EXTENSION
P.O. BOX 496, LOCKPORT, NY 14095

VERIFICATION

STATE OF NEW YORK ? ss.:
COUNTY OF NIAGARA)

THE PLAINTIFFS MEKHI MILLER, MICHAEL HILL, AJAY BUTCHER and THEODORE HILL HAVE FULL READ the contents of the AFFIRM VERIFIED complaint and know them to be TRUE, and AS to those MATTERS STATED on information and belief WE believe them to be TRUE AS WELL.

DATED: MAY 16, 2025

Mekhi Miller
MEKHI MILLER

MICHAEL HILL

Ajay Butcher

Theodore Hill

THEODORE HILL

DR. BURET

25-CV-6305

I, Mekhi Miller being duly sworn affirms under the penalties of perjury pursuant to 28 U.S.C. § 1746 the following is true:

1. I am a Niagara County Jail detainee who has been housed in this facility since November, 27th 2024.

2. The conditions which I have been subjected to are inhumane and degrading. Such as: [i] Black mold on wall and ceilings, [ii] Flat mattresses which is the same as sleeping on metal bed frames, [iii] Disciplinary at the facility they take \$25 and does not provide process to a fair hearing, and [iv] The cell lights stay on all night and day causing dizziness and headaches. [v] Food comes mold and fungus on trays.

I swear I have suffered these things and will testify to the same in court.

Sworn to ~~and~~ before me

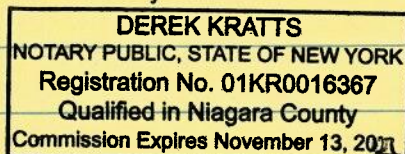
On 3th day of May, 2025

Sworn To before me

Notary Public

Mekhi Miller

MEKHI MILLER



25-CV-6305

I, Ajay Butcher, being duly sworn and Affirms Under the penalties of Perjury Pursuant to 28 U.S.C.S 1746, The following;

- 1) I am a Niagara County Jail Detainee, who has been housed in this facility since April 8th, 2025
- 2) The conditions which I have been subjected to ARE in humane and degrading, such as [i] Black mold on the walls and ceilings, [ii] flat mattresses which is the same as sleeping on a metal bed frame, [iii] 24/7 use of light which causes headaches and sleep deprivation; [iv] disciplinary at the facility takes 25\$ each ticket and does NOT provide due process to a fair hearing; [v] Food comes expired, moldy, old and inadequate to be nutritious and safe, [vi] The housing block has peeling lead paint, lead pipes that contaminate the water and asbestos [vii] and inadequate HVAC Systems.

I Swear ~~under the~~ I have suffered these things and will testify in court to the same!

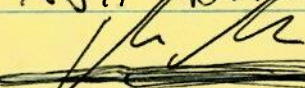


Ajay Butcher

Sworn To before me this 3rd

May 3rd 2025

Date



Notary public

Date of May 2025

DEREK KRATTS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01KR0016367
Qualified in Niagara County
Commission Expires November 13, 2025

May 3rd 2025

Date

25-CV-6305

I, MICHAEL J. HILL, BEING duly SWORN, AFFIRMS UNDER THE PENALTIES OF PERJURY, PURSUANT TO 28 U.S.C. §1746, THE FOLLOWING IS ACCURATE & TRUE:

1. I AM A NIAGARA COUNTY JAIL DETAINEE WHO HAS BEEN HOUSED IN THIS JAIL ILLEGALLY SINCE MARCH 31, 2025.
2. THE CONDITIONS ATTACHED TO MY UNLAWFUL CONFINEMENT, HAVE SUBJECTED ME TO INHUMANE AND DEGRADING TREATMENT, SUCH AS: [i]. BLACK MOLD ON WALL AND CEILING; [ii]. FLAT MATTRESS WHICH ARE EQUAL TO SLEEPING ON METAL BED FRAME, [iii]. DISCIPLINARY AT THE FACILITY WHERE AS SOON AS THE GUARD WRITES A MISBEHAVIOR REPORT THE INMATE IS RESTRICTED OF ALL PRIVILEGES, HOUSED IN SHU WITH PORTIONS OF A \$25.00 SANCTION TAKEN; [iv]. DURING VISITS OUR FAMILY MEMBERS ARE FORCED TO UNDER CAVITY SEARCHES AND WALK BY DOGS; [v]. INMATES ARE MADE TO LIVE IN CELLS WITH THE LIGHTS STAYING ON ALL DAY AND NIGHT CAUSING DIZZINESS AND HEADACHES; AND [vi]. THE FOOD COMES IN MOLDED TREY WITH FUNGUS.

Dated: MAY 6, 2025

Michael Hill
MICHAEL HILL

25-CV-6305

I, MICHAEL HILL, BEING duly SWORN AFFIRMS UNDER THE PENALTIES OF PERJURY PURSUANT TO 28 U.S.C. § 1746, THE FOLLOWING IS TRUE:

1. I AM A NIAGARA COUNTY JAIL DETAINEE, WHO HAS BEEN HOUSED IN THIS FACILITY SINCE MARCH 31, 2025.
2. THE CONDITIONS WHICH I HAVE BEEN SUBJECTED TO ARE INHUMANE AND DEGRADING, SUCH AS: [i]. BLACK MOLD ON WALL AND CEILINGS, [ii]. FLAT MATTRESSES WHICH IS THE SAME AS SLEEPING ON METAL BED FRAME, [iii]. DISCIPLINARY AT THE FACILITY TAKE \$25.00 AND DOES NOT PROVIDE PROCESS TO A FAIR HEARING; and [iv]. THE CELL LIGHTS STAY ON ALL DAY AND NIGHT PREVENTING ONE TO KNOW TIME, CAUSING DIZZINESS AND HEADACHES, and [v]. FOOD COMES MOLD/FUNGUS IN TRAY.

I SWEAR I HAVE SUFFERED THESE THINGS AND WILL TESTIFY TO THE SAME IN COURT.

SWORN TO BEFORE ME

ON — th DAY OF APRIL, 2025

MICHAEL HILL

NOTARY PUBLIC